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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,993	12/22/1999	SHERYL BEHAR	003184/0006	5639

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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/469,993

Applicant(s)  
Behar et al.

Examiner  
John Young

Art Unit  
3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 23, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 15 6) ☐ Other:

09/469,993



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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16

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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**FINAL REJECTION****DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

**CLAIM REJECTIONS — 35 U.S.C. §112 ¶2**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Lack of Antecedent Basis in the claim**

2. Claims 2, 11, 12, 14, 15, 30, 31, 33 & 34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As per claim 2, said claim at line 2 suffers from lack of antecedent basis in the claim for the phrase “said qualifying purchase transaction. . . .” (See MPEP 2173.05(e)).

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At claim 2, line 2, after the word “said” delete the word “qualifying”.

Claims 11, 12, 14, 15, 30, 31, 33 & 34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for substantially the same reason as claim 2.

### **REVISED CLAIM REJECTIONS — 35 U.S.C. §103(a)**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Independent claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. 5,945,653 (08/31/1999) [US f/d: 06/16/1997](herein referred to as “Walker”).

As per claim 1, Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) shows elements that suggest “A computerized system for implementing a credit card program rewarding use of a credit card by the credit card holder, comprising . . . a credit card issued by an issuer to a holder, said credit card representing an available line of credit from said issuer for said holder and providing means of payment by said issuer for one or more purchase transactions of said holder . . . a data-processing computer, said computer including a database, said database storing a holder ID and a current balance associated with said holder, said current balance

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including a sum of all said purchase transactions and any finance or other charges minus any payments by said holder to said issuer and any refunds or other credits . . . a rebate tally for said holder stored in said database, said rebate tally including a portion of said sum of all said purchase transactions minus any rebate payments paid by said issuer to said holder . . . said computer further including means for determining whether at least one of said purchase transaction made by said holder complies with a set of pre-defined program rules; and . . . a rebate from said issuer to said holder automatically accounted for in said database in response to at least one of said purchase transaction complies with said predefined program rules.”

Walker lacks an explicit recitation of “said database storing a holder ID. . . .” It would have been obvious to a person of ordinary skill in the art at the time of the invention that the “*CARDHOLDER ACCOUNT NUMBER*” disclosure of Walker (FIG. 2; and FIG. 3) would have been selected in accordance with “said database storing a holder ID. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

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As per claim 2, Walker shows the system of claim 1.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 2.

Walker lacks an explicit recitation of the elements and limitations of claim 2, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said rebate payment is the lesser of a portion of said qualifying purchase transaction and said rebate tally. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

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As per claim 3, Walker shows the system of claim 1.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 3.

Walker lacks an explicit recitation of the elements and limitations of claim 3, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; FIG. 9; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said portion of said sum of all said purchase transactions is one of a fixed percentage of said sum of all said purchase transactions, a variable percentage of said sum of all said purchase transactions based on said sum of all said purchase transactions incurred in a fixed period of time and a variable percentage of said sum of all said purchase transactions based on a time of year. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates,*



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*special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 4, Walker shows the system of claim 3.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 4.

Walker lacks an explicit recitation of the elements and limitations of claim 4, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; FIG. 9; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said fixed percentage of said sum of all said purchase transactions is between about 1 percent and about 15 percent. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates,*

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*special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 5, Walker shows the system of claim 3.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 5.

Walker lacks an explicit recitation of the elements and limitations of claim 5, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said fixed percentage of said sum of all said purchase transactions is about 5 percent. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom*

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*financing . . . which provide benefits to credit card issuers, merchants, and consumers.”*

(See Walker (col. 3, ll. 40-50)).

As per claim 6, Walker shows the system of claim 3.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests the elements and limitations of claim 6.

Walker lacks an explicit recitation of the elements and limitations of claim 6, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 9; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 60-67; and col. 16, ll. 1-20) would have been selected in accordance with:

“wherein said fixed period of time is one month. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special*

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*purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 7, Walker shows the system of claim 3.

Walker (the Front Page: OTHER PUBLICATIONS; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests the elements and limitations of claim 7.

Walker lacks an explicit recitation of the elements and limitations of claim 7, even though Walker (the Front Page: OTHER PUBLICATIONS; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (the Front Page: OTHER PUBLICATIONS) would have been selected in accordance with: “wherein said time of year is the holiday season. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . .*”

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*which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 8, Walker shows the system of claim 1.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests the elements and limitations of claim 8.

Walker lacks an explicit recitation of the elements and limitations of claim 8, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 9; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 60-67; and col. 16, ll. 1-20) would have been selected in accordance with:

“wherein said portion of said sum of all said purchase transactions is a fixed percentage of said portion of said sum of all said purchase transactions up to a maximum rebate incurred in a fixed period of time. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit*

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*card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.” (See Walker (col. 3, ll. 40-50)).*

As per claim 9, Walker shows the system of claim 8.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests the elements and limitations of claim 9.

Walker lacks an explicit recitation of the elements and limitations of claim 9, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 9; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 60-67; and col. 16, ll. 1-20) would have been selected in accordance with:

“wherein said fixed percentage is about 2 percent and said maximum rebate is about \$500 and said fixed period of time is one year. . . .” because such selection would have provided

*“a system and process for establishing and carrying out functions adapted to affect*

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*credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.” (See Walker (col. 3, ll. 40-50)).*

As per claim 10, Walker shows the system of claim 1.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 10.

Walker lacks an explicit recitation of the elements and limitations of claim 10, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) would have been selected in accordance with: “wherein said purchase transactions include at least one of purchasing goods form a particular retailer, purchasing goods form any one of several retailers and

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purchasing goods from any one of several retailers at a particular location. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 11, Walker shows the system of claim 1.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 11.

Walker lacks an explicit recitation of the elements and limitations of claim 11, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; FIG. 9; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said portion of said qualifying purchase transaction is one of



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a fixed amount and a percentage of said qualifying purchase transaction. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 12, Walker shows the system of claim 1.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 12.

Walker lacks an explicit recitation of the elements and limitations of claim 12, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said portion of said qualifying purchase transaction is a fixed percentage of

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said qualifying purchase transaction up to a maximum rebate. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 13, Walker shows the system of claim 1.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 13.

Walker lacks an explicit recitation of the elements and limitations of claim 13, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said rebate tally further includes a portion of at least one of case advances made to said holder from said issuer and transfers of credit balances of said holder to said

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current balance. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 14, Walker shows the system of claim 1.

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 14.

Walker lacks an explicit recitation of the elements and limitations of claim 14, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said qualifying purchase transaction includes purchasing or leasing a particular type of goods from any manufacturer of said type of goods. . . .” because such

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selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 15, Walker shows the system of claim 1.

Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; col. 2, ll. 18-36; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 15. In this case the Examiner interprets the “big ticket items” as suggesting a car.

Walker lacks an explicit recitation of the elements and limitations of claim 15, even though Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; col. 2, ll. 18-36; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

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It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; and col. 2, ll. 18-36) would have been selected in accordance with: “wherein said qualifying purchase transaction is one of purchasing a new car, purchasing a used car, leasing a new car and leasing a used car. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 16, Walker shows the system of claim 15.

Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; col. 2, ll. 18-36; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 16. In this case the Examiner interprets the “big ticket items” as suggesting a car.

Walker lacks an explicit recitation of the elements and limitations of claim 16, even though Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col.

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1, ll. 55-67; col. 2, ll. 18-36; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; and col. 2, ll. 18-36) would have been selected in accordance with: “wherein said pre-defined program rules include requiring said holder to provide a sales receipt and a change of title of said car to said issuer. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 17, Walker shows the system of claim 1.

Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; col. 4, ll. 45-67; col. 5, ll. 15-27; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 17.

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Walker lacks an explicit recitation of the elements and limitations of claim 17, even though Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; col. 4, ll. 45-67; col. 5, ll. 15-27; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; col. 4, ll. 45-67; and col. 5, ll. 15-27 ) would have been selected in accordance with: “a second credit card issued by said issuer to a second holder; wherein said purchase transactions of said second holder are added to said rebate tally. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 18, Walker shows the system of claim 17.

Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; col. 4, ll. 45-67; col. 5, ll. 15-27; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-

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67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 18.

Walker lacks an explicit recitation of the elements and limitations of claim 18, even though Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; col. 4, ll. 45-67; col. 5, ll. 15-27; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; col. 4, ll. 45-67; and col. 5, ll. 15-27 ) would have been selected in accordance with: “wherein the relationship of said second holder to said holder is at least one of a family member, a co-inhabitant and a co-employee. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 19, Walker shows the system of claim 1.

Walker (col. 9, ll. 31-65; col. 3, ll. 65-67; col. 10, ll. 5-21; col. 10, 61-67; col. 5, ll. 1-15; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG.



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7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 19.

Walker lacks an explicit recitation of the elements and limitations of claim 19, even though Walker (col. 9, ll. 31-65; col. 3, ll. 65-67; col. 10, ll. 5-21; col. 10, 61-67; col. 5, ll. 1-15 the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (col. 9, ll. 31-65; col. 3, ll. 65-67; col. 10, ll. 5-21; col. 10, 61-67; col. 5, ll. 1-15; FIG. 5; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said rebate payment from said issuer to said holder comprises at least one of a check for said rebate payment forwarded to said holder from said issuer and a credit for said rebate payment to said current balance of said holder. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

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Claim 20 is rejected for substantially the same reasons as claim 1.

Claim 21 is rejected for substantially the same reasons as claim 2.

Claim 22 is rejected for substantially the same reasons as claim 3.

Claim 23 is rejected for substantially the same reasons as claim 4.

Claim 24 is rejected for substantially the same reasons as claim 5.

Claim 25 is rejected for substantially the same reasons as claim 6.

Claim 26 is rejected for substantially the same reasons as claim 7.

Claim 27 is rejected for substantially the same reasons as claim 8.

Claim 28 is rejected for substantially the same reasons as claim 9.

Claim 29 is rejected for substantially the same reasons as claim 10.

Claim 30 is rejected for substantially the same reasons as claim 11.

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Claim 31 is rejected for substantially the same reasons as claim 12.

Claim 32 is rejected for substantially the same reasons as claim 13.

Claim 33 is rejected for substantially the same reasons as claim 14.

Claim 34 is rejected for substantially the same reasons as claim 15.

Claim 35 is rejected for substantially the same reasons as claim 16.

Claim 36 is rejected for substantially the same reasons as claim 17.

Claim 37 is rejected for substantially the same reasons as claim 18.

Claim 38 is rejected for substantially the same reasons as claim 19.

## **RESPONSE TO ARGUMENTS**

4. Applicant's arguments (Amendment A, paper#15, filed 08/23/2002) concerning the rejections in the prior Office Action have been considered but are not persuasive for the following reasons:

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As per independent claims 1 & 20, in response to Applicant's argument that the Walker reference does not teach or suggest the elements of the instant invention, the test for obviousness is not whether the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the teachings of the references would have suggested in the broadest interpretation to those of ordinary skill in the art. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner's interpretation modifying the teachings of the Walker reference would have suggested to a person of ordinary skill in the art at the time of the invention all of the elements of the instant invention; furthermore, motivation to modify the Walker reference is found in the reference itself.

As per dependent claims 1-19, and in response to Applicant's demand for the prior art evidence, Applicant's arguments with respect to Official Notice evidence are moot because the instant Office Action (paper 16) includes prior art reference evidence in support of the Official Notice evidence submitted in the prior office action.

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**THIS ACTION MADE FINAL**

This action is final based on new ground(s) of rejection necessitated by Applicant's demand for prior art reference evidence in support of Official Notice evidence presented in the prior Office Action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**CONCLUSION**

5. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The Examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.


If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Patent Examiner



ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

November 2, 2002